Office Action Summary	Application No.	Applicant(s)	
	08/477,805	HARVEY ET AL.	
	Examiner	Art Unit	
	CHAN S. PARK	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *2* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 March 2002*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *119-130* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *119-130* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. *11/3/09* .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

EX PARTE QUAYLE

1. This application is in condition for allowance except for the following formal matters: Administrative Requirement as set forth below.

Prosecution on the merits is closed in accordance with the practice under Ex parte Quayle, 25 USPQ 74,453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

2. As the application has closed on the merits, applicant is now required to make the submission to comply with the Administrative Requirement as followed: Applicants' compliance will take the form of one of the following actions:

(1) filing terminal disclaimers in each of the related co-pending applications terminally disclaiming each of the other co-pending applications;

(2) providing an affidavit attesting to the fact that all claims in the co-pending applications have been reviewed by applicant and that no conflicting claims exists between the applications; or

(3) resolving all conflicts between claims in the identified co-pending applications by identifying how all the claims in the instant application are distinct and separate inventions from all the claims in the identified co-pending applications.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas J. Scott (Reg. No. 27,836) on November 3, 2009.

4. The application has been amended as follows:

1-118. (Cancelled)

119. (New) A method of controlling a remote television transmitter station to communicate television program material to at least one receiver station, said remote television transmitter station including one of a broadcast and a cablecast transmitter for transmitting television programming, a plurality of selective transfer devices each operatively connected to said one of a broadcast and a cablecast transmitter for communicating said television programming, a television receiver for receiving said television programming from at least one origination transmitter station, a control signal detector, and a controller capable of controlling said at least one of said selective transfer devices, said remote television transmitter station being adapted to detect the presence of a first control signal, to control the communication of said television programming in response to said first control signal, and to deliver at said one of a

broadcast and a cablecast transmitter said television programming, said method comprising the steps of:

originating said television programming at said at least one origination transmitter station, said television programming including audio and a plurality of images to be outputted at said at least one receiver station in a predetermined sequence;

originating said first control signal and a second control signal at said at least one origination transmitter station;

originating at least one instruct signal at said at least one origination transmitter station;

storing a programming schedule at said remote television transmitter station; and

transmitting said television programming, said at least one instruct signal, said first control signal and said second control signal from said at least one origination transmitter station to said remote television transmitter station before a specific time at which said remote television transmitter station is to transmit said television programming and said at least one instruct signal;

whereby, said first control signal is detectable by said control signal detector and instructs said controller to control said at least one selective transfer device to communicate said television programming to said one of a broadcast and a cablecast transmitter by comparing said stored programming schedule with said second control signal and in accordance with the result of the comparison to thereby control communication of said television programming and said at least one instruct signal from said one of a broadcast or a cablecast transmitter to said at least one receiver station at

said specific time and said at least one instruct signal instructing said at least one receiver station to generate and output a computer generated output overlaid with said television programming at said at least one receiver station.

120. (New) The method of claim 119, wherein said first control signal includes an identifier which operates at said remote television transmitter station to identify a signal including said at least one instruct signal, said method further comprising the step of:

transmitting a second instruct signal which operates at said remote television transmitter station to communicate said first instruct signal to said one of a broadcast and a cablecast transmitter.

121. (New) The method of claim 119, wherein said specific time is a scheduled time of transmitting a signal including said at least one instruct signal and wherein said first control signal is effective at said remote television transmitter station to control at least one of said plurality of selective transfer devices at different times.

122. (New) The method of claim 119, further comprising the step of embedding said first control signal in a signal including said at least one instruct signal.

123. (New) A method of controlling a remote intermediate mass medium program transmitter station to communicate video or audio mass medium programming to a remote receiver station, said method comprising the steps of:

originating at an origination station a unit of video or audio mass medium programming;

transmitting said unit of video or audio mass medium programming, a first signal and a second signal from said origination station to an intermediate mass medium program transmitter station;

receiving at said intermediate mass medium program transmitter station said unit of video or audio mass medium programming, said first signal and said second signal;

comparing said first signal to a programming schedule stored at said intermediate mass medium program transmitter station;

retransmitting, based on the result of the comparison, said unit of video or audio mass medium programming and said second signal from said intermediate mass medium program transmitter station to a receiver station;

receiving said unit of video or audio mass medium programming and said second signal at said receiver station;

receiving and storing data at said receiver station;

generating, at said receiver station under computer control, a computer generated output based upon determining the composition of said second signal and said data stored at said receiver station; and

outputting at said receiver station a coordinated output of said video or audio mass medium programming overlaid with said computer generated output.

124. (New) The method of claim 123, wherein said unit of video or audio mass medium programming comprises television programming, said television programming including an audio portion and a portion of video.

125. (New) A method of controlling an intermediate transmitter station to communicate television programming to a receiver station, said method comprising said steps of:

originating said television programming at an origination station;

transmitting said television programming, a first signal and a second signal from said origination station to said intermediate transmitter station;

storing a programming schedule at said intermediate transmitter station;

receiving at said intermediate transmitter station said television programming, said first signal and said second signal;

detecting said first signal and said second signal;

comparing said first signal to said stored programming schedule at said intermediate transmitter station;

transmitting said television programming and said second signal from said intermediate transmitter station to said receiver station based on the result of the comparison;

receiving at said receiver station said transmitted television programming and said second signal;

outputting on an output device at said receiver station said received television programming;

receiving and storing data at said receiver station;

generating, under computer control and based upon determining the composition of said stored data and said second signal, a computer generated output at said receiver station; and

outputting, on said output device, a coordinated delivery comprising said television programming overlaid with said computer generated output.

126. (New) The method of claim 125, wherein said step of comparing comprises comparing said first signal to said stored programming schedule; said first signal comprising a first identification signal identifying said television programming; said programming schedule comprising a second identification signal, a transmission time and a transmission channel for transmitting said television programming.

127. (New) The method of claim 126, wherein said programming schedule further comprises a designated time and a designated channel for said intermediate transmitter station to receive said television programming from said origination station.

128. (New) The method of claim 126, wherein said step of transmitting said television programming from said intermediate transmitter station comprises transmitting said television programming and said second signal from said intermediate transmitter station to said receiver station at said transmission time and on said transmission channel, according to said programming schedule based the result of the comparison.

129. (New) The method of claim 125, wherein said computer generated output is user specific.

130. (New) The method of claim 125, wherein one of said first signal and said second signal is embedded in said television programming.

ALLOWANCE

Allowable Subject Matter

5. **Claims 119-130** are allowed. These claims will be renumbered as 1-12.

6. The following is an examiner's statement of reasons for allowance:

Independent claims 119, 123 and 125 define a method for transmitting, from an origination station, video, audio or television programming along with first and second control signals for controlling an intermediate station and a receiver station. The claims distinguish over the prior art in that the first control signal is compared with the stored programming schedule for determining the retransmission of the programming and the second control signal from the intermediate station to the receiver station, wherein the receiver station generates and outputs a computer generated output overlaid with the programming based upon determining the composition of the second control signal.

The most relevant prior art Cox (US 4,388,645) teaches the method of transmitting teletext programming along with control signal for controlling the intermediate station for the retransmitting the programming to the receiver station. However, Cox does not teach the applicant's claimed combination of comparing, generating and outputting steps.

The features identified, in combination with other claim limitations, are neither suggested nor discussed by the prior art of record.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571)272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHAN S PARK/
Primary Examiner, Art Unit 2625

November 5, 2009